

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

APPLICATION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241  
BY A PERSON IN FEDERAL CUSTODY

\_\_\_\_\_, Petitioner,  
Full Name and Prisoner Number

Case No. \_\_\_\_\_  
(To be supplied  
by the Court)

\_\_\_\_\_  
Complete Prison Address (Place of Confinement)

\_\_\_\_\_  
\_\_\_\_\_

v.

\_\_\_\_\_, Respondent,  
(Name of Warden, Superintendent or  
authorized person having custody of petitioner)  
(Do not use ***et al.***)

and

\_\_\_\_\_, Additional Respondent.  
(List additional persons having custody  
of petitioner, if any)

### CONVICTION UNDER ATTACK

- 1) Name and location of the court which entered the judgment of conviction under attack \_\_\_\_\_  
\_\_\_\_\_
- 2) Date judgment of conviction was entered \_\_\_\_\_
- 3) Case number \_\_\_\_\_
- 4) Type and length of sentence imposed \_\_\_\_\_
- 5) Are you presently serving a sentence imposed for a conviction other than the conviction under attack in this motion? Yes \_\_\_ No \_\_\_
- 6) Nature of the offense involved (all counts) \_\_\_\_\_  
\_\_\_\_\_
- 7) What was your plea? (check one)  
Not Guilty \_\_\_ Guilty \_\_\_ Nolo Contendere \_\_\_
- 8) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:  
\_\_\_\_\_  
\_\_\_\_\_
- 9) If you entered a plea of guilty pursuant to a plea bargain, state the terms and conditions of the agreement \_\_\_\_\_  
\_\_\_\_\_
- 10) Kind of trial (check one) Jury \_\_\_ Judge only \_\_\_
- 11) Did you testify at trial? Yes \_\_\_ No \_\_\_

### DIRECT APPEAL

- 12) Did you appeal from the judgment of conviction? Yes \_\_\_ No \_\_\_
- 13) If you did appeal, give the name and location of the court where the appeal was filed, the result, the case number and date of the court's decision (or attach a copy of the court's opinion or order): \_\_\_\_\_

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14) If you did not appeal, explain briefly why you did not: \_\_\_\_\_

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a) Did you seek permission to file a late appeal? Yes \_\_\_ No \_\_\_

### **POST-CONVICTION PROCEEDINGS**

15) Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court? Yes \_\_\_ No \_\_\_

16) If your answer to 15 was "Yes," give the following information:

a) FIRST petition, application or motion.

1. Name of court \_\_\_\_\_

2. Nature of proceeding \_\_\_\_\_

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3. Claims raised \_\_\_\_\_

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4. Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_ No \_\_\_

5. Result \_\_\_\_\_

6. Date of result \_\_\_\_\_

7. Did you appeal the result to the federal appellate court having jurisdiction? Yes \_\_\_ No \_\_\_ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of

the court's decision (or attach a copy of the court's opinion or order)

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8. If you did not appeal, briefly explain why you did not \_\_\_\_\_

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b) As to any SECOND petition, application or motion, give the following information:

1. Name of court \_\_\_\_\_

2. Nature of proceeding \_\_\_\_\_

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3. Claims raised \_\_\_\_\_

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4. Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_ No \_\_\_

5. Result \_\_\_\_\_

6. Date of result \_\_\_\_\_

7. Did you appeal the result to the federal appellate court having jurisdiction? Yes \_\_\_ No \_\_\_ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order) \_\_\_\_\_

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8. If you did not appeal, briefly explain why you did not \_\_\_\_\_

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c) As to any THIRD petition, application or motion, give the following information:

1. Name of court \_\_\_\_\_

2. Nature of proceeding \_\_\_\_\_

3. Claims raised \_\_\_\_\_

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4. Did you receive an evidentiary hearing on your petition, application or motion? Yes \_\_\_ No \_\_\_

5. Result \_\_\_\_\_

6. Date of result \_\_\_\_\_

7. Did you appeal the result to the federal appellate court having jurisdiction? Yes \_\_\_ No \_\_\_ If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order) \_\_\_\_\_

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8. If you did not appeal, briefly explain why you did not \_\_\_\_\_

## **CLAIMS**

17) State concisely every claim that you are being held unlawfully. Summarize briefly the facts supporting each claim. If necessary, you may attach extra pages stating additional claims and supporting facts. You should raise in this petition all claims for relief which relate to the conviction under attack.

In order to proceed in federal court, you ordinarily must exhaust the administrative remedies available to you as to each claim on which you request action by the federal court.

**Claim One:** \_\_\_\_\_

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(1) Supporting Facts: (Without citing legal authorities or argument state briefly the facts supporting this claim)

(2) Did you seek administrative relief as to claim one? Yes \_\_\_ No \_\_\_. If your answer is "Yes," describe the procedure followed and the result. If your answer is "No," explain why you did not seek administrative relief: \_\_\_\_\_

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**Claim Two:** \_\_\_\_\_

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(1) Supporting Facts: (Without citing legal authorities or argument state briefly the facts in support of this claim)

(2) Did you seek administrative relief as to claim one? Yes \_\_\_\_ No \_\_\_\_\_. If your answer is "Yes," describe the procedure followed and the result. If your answer is "No," explain why you did not seek administrative relief: \_\_\_\_\_

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**Claim Three:** \_\_\_\_\_

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(1) Supporting Facts: (Without citing legal authorities or argument state briefly the facts in support of this claim)

(2) Did you seek administrative relief as to claim one? Yes \_\_\_ No \_\_\_. If your answer is "Yes," describe the procedure followed and the result. If your answer is "No," explain why you did not seek administrative relief: \_\_\_\_\_

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- 18) Do you have any petition, application, motion or appeal now pending in any court, either state or federal, regarding the conviction under attack?  
Yes \_\_\_ No \_\_\_. If "Yes," state the name of the court, case file number (if known), and the nature of the proceeding: \_\_\_\_\_

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- 19) State briefly why you believe that the remedy provided by 28 U.S.C. § 2255 (Motion to Vacate Sentence) is inadequate or ineffective to test the legality of your detention: \_\_\_\_\_

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Wherefore, petitioner prays that the court grant him such relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

\_\_\_\_\_  
**Petitioner's Original Signature**

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Petitioner's Inmate Number

\_\_\_\_\_  
Attorney's Full Address and  
Telephone Number

#### **DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares under penalty of perjury that he/she is the petitioner in this action, that he/she has read this petition and that the information contained in the petition is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at \_\_\_\_\_ on \_\_\_\_\_.  
(Location) (Date)

\_\_\_\_\_  
**Petitioner's Original Signature**